

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v-	:	S6 16-CR-387 (JMF)
	:	
JULIO MARQUEZ-ALEJANDRO et al.,	:	<u>REVISED</u>
	:	<u>SCHEDULING ORDER</u>
Defendants.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

The Court has reviewed the parties' letters regarding modification of the pretrial deadlines in light of the new trial date of October 4, 2021. *See* ECF Nos. 471, 475. The Court appreciates the complexity of this case and the compelling need for earlier disclosures than in the run-of-the-mill case. That said, defense counsel provide no explanation of why there is a need for more generous deadlines now than there was in April, when they agreed to the schedule that was set in relation to the February 1, 2021 trial date. *See* ECF No. 396. Because the Government's proposal is consistent with (indeed, more generous than) that schedule, which was adopted by the Court, *see* ECF No. 397; because, as defense counsel acknowledge, the Court lacks authority to order early disclosure of 3500 material, *see* ECF No. 495, at 1-2; and because, whatever deadlines the Court sets, the Constitution requires the Government to disclose Brady and Giglio material "in time for its effective use" at trial, *United States v. Coppa*, 267 F.3d 132, 144 (2d Cir. 2001), the Government's proposed pretrial schedule is adopted.

Accordingly, the following deadlines shall apply:

- By **July 26, 2021**, the parties shall file any motions *in limine*.
- By **August 9, 2021**, the parties shall file any opposition to motions *in limine*.


- By **August 16, 2021**, the parties shall file any replies in further support of motions *in limine*, and Defendants shall provide expert notices.
- By **August 16, 2021**, the Government shall produce any 3500 and *Giglio* material for cooperating witnesses, for attorneys' eyes only.
- By **September 6, 2021**, the parties shall file any requests to charge (including, as set forth in the Court's prior order, proposals for preliminary instructions to the jury), proposed *voir dire*, and a proposed verdict form.
- By **September 13, 2021**, the parties shall share proposed exhibit lists and proposed stipulations.
- By **September 16, 2021**, the Government shall disclose remaining 3500 and *Giglio* material, and previously produced cooperator 3500 and *Giglio* materials will become available for Defendants to review, subject to the provisions for "Sensitive Disclosure Material" in the Protective Order.
- By **September 16, 2021**, Defendants shall disclose any Rule 26.2 material.

The Court reiterates that Defendants' pretrial submissions — that is, all proposed voir dire, requests to charge, proposed verdict forms, and motions *in limine* — shall be made on a joint basis unless the Court grants leave to a Defendant to make a submission on his own behalf.

The Clerk of Court is directed to terminate ECF Nos. 471 and 475.

SO ORDERED.

Dated: December 2, 2020
New York, New York



JESSE M. FURMAN
United States District Judge